

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claims 1-9 are currently being amended.

Claims 10-16 are currently being added.

This amendment adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding and amending the claims as set forth above, claims 1-16 are now pending in this application.

Specification Objection:

In the Office Action, the specification was objected to, because of a misspelling of a heading on page 11 of the specification. By way of this amendment and reply, that heading on page 11 of the specification has been corrected.

Claim Objection:

In the Office Action, claim 7 was objected to, because of a misspelling of a word in that claim. By way of this amendment and reply, claim 7 has been amended to correct that misspelling.

Claim Rejections – Prior Art:

In the Office Action, claims 1 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0192519 to Fujita et al.; and claims 2-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita et al. in view of U.S. Patent Publication No. 2001/0024746 to Ueda et al. and further in view of U.S. Patent Publication No. 2002/00646697 to Sugiura et al. These rejections are traversed with respect to presently pending claims 1-9, for at least the reasons given below.

In the present invention as recited in presently pending independent claims 1 and 9, a target current at the target power is calculated based on a nominal power-current characteristic obtained from a nominal output characteristic of the fuel cell, and a command output power is calculated based on the calculated target current and an actual output voltage detected by the detector. This eliminates the need to detect the actual output current of the fuel cell, it also eliminates the need to correct the power-current characteristic or the output characteristic of the fuel cell based on actual output voltages and currents at various operating ranges, and thus enables the system to quickly respond to the change of the output characteristic (see, for example, page 8, lines 10-20 of the specification).

In Fujita et al., as described in paragraphs 0171 to 0175, power control unit (700) calculates a voltage-current characteristic map of the fuel cell (200) from an actual output voltage and an actual output electric current detected by the sensors (868, 870), and the power control unit (700) calculates an output electric current I_0 according to the calculated voltage-current characteristic map. Then, the power control unit (700) calculates an upper limit of a possible output of the fuel cell (the FC maximum power Q_{mx}) from the product of V_0 and I_0 . It is assumed that in the system of Fujita et al., the voltage-current characteristic map is being continuously revised. In that regard, Fujita's voltage-current characteristic map is not a nominal characteristic that corresponds to a reference output characteristic.

In stark contrast, claim 1 recites that a target current computing unit calculates a target current at the target power based on a nominal power-current characteristic obtained from a nominal output characteristic of the fuel cell, the nominal output characteristic corresponding to a reference output characteristic.

Therefore, presently pending independent claim 1, as well as presently pending independent claim 9 that has been amended in a similar manner as described above with respect to claim 1, are not anticipated by Fujita, whereby none of the other cited art of record rectifies this deficiency of Fujita.

New Claims:

New claims 10-16 have been added to recite features of the present invention that correspond to claims 2-8 rewritten as method claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 17, 2008 By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Registration No. 34,371
Phillip J. Articola
Registration No. 38,819